

STATE OF CALIFORNIA

**DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT**

EMERGENCY SOLUTIONS GRANT (ESG) PROGRAM

2012

(ESG 2011 - ROUND II ALLOCATION)

NOTICE OF FUNDING AVAILABILITY



May 2, 2012

NOTICE OF FUNDING AVAILABILITY (NOFA)
ESG PROGRAM
[CFDA: 14.231]

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I. OVERVIEW

The State of California Department of Housing and Community Development (HCD or Department) requests proposals from eligible organizations providing housing and homeless assistance services and facilities located in eligible cities and counties, for funding. As authorized by the Federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act). The HEARTH act significantly revised the Federal Emergency Shelter Grants Programs Regulations at 24 CFR Part 576 and established new regulations for the ESG Program. As a result, there are significant changes to the Department's 2012 (ESG 2011 Round II) NOFA which include:

- A. Round I FESG awardees may not apply for Emergency Shelter funds for the same project. **Please note that the 2011 allocation has two rounds. Round I has already been awarded and includes those contracts that were executed in February 2012 and will expire in February 2013. This NOFA is for Round II.**
- B. Eligible activities have been expanded to include: Street Outreach, Homelessness Prevention, Rapid Re-Housing, Grant Administration, and Homeless Management Information System (HMIS).
- C. HMIS participation is required by the HEARTH Act. ESG grantees must comply with HUD's standards on participation, data collection and reporting. However, victim service providers and legal services organizations may choose not to utilize HMIS, but must use a comparable database. The comparable database must produce unduplicated and aggregated reports.
- D. Applicants may request HMIS funds up to 11 percent of their total proposed ESG request. Requests exceeding 11 percent must be accompanied with a justification. The justification will be subject to review and approval prior to awards being made by HCD.
- E. Each Continuum of Care (CoC) will now be responsible for evaluating and assigning points for the "Need for Funds" rating category on all ESG applications received within their service area. CoC's are required to complete the Certification of Local Need for each application evaluated. This process will require applicant coordination with the CoC.
- F. Subrecipient administrative costs shall not exceed 2.72 percent of total application. Based on the methodology provided by HUD on implementing Round I and Round II, the Subrecipient administrative fee of 2.72 percent is only applicable for the Round II allocation.
- G. A new Eligible Expense Guide is available on the Department's website as a resource to assist applicants in building their respective application at <http://www.hcd.ca.gov/fa/esg/>.

II. BACKGROUND

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), enacted into law on May 20, 2009, consolidated three of the separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program. One of the main revisions in the HEARTH Act was the revision of the existing Federal Emergency Shelter Grants program into the new Emergency Solutions Grant (ESG) Program.

III. REGULATORY AUTHORITY

All applications are governed by the federal ESG Interim Rule published on December 5, 2011, 24 CFR Parts 91 and 576, and the current State regulations. HCD has authority under State law (Health and Safety Code Section 50406), to accept these funds and distribute them in accordance with program requirements. If the federal or state statutes or regulations governing the program or its funding are modified by Congress, the Department of Housing and Urban Development (HUD), the State Legislature, or the Department, prior to completion of work, the changes may become effective immediately and apply to funded activities. The Department reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA. If such an action occurs, the Department will notify interested parties. Funding availability is subject to the execution of a formal Grant Agreement between HUD and HCD.

For your convenience, a hyperlink to the current State FESG regulations is <http://www.hcd.ca.gov/fa/fesg/>

IV. APPLICATION PACKAGING AND SUBMITTAL

A. Application Packaging and Submittal

Applications may be obtained on ESG's website at: <http://www.hcd.ca.gov/fa/esg/>. Some of the forms are not available in data entry format and formatting will be the Applicants' responsibility.

Applicants must submit the Certification of Local Need form to the specific Continuum of Care (CoC) addressing homelessness in the area where the Facility/Project is located. Refer to a list of the CoCs on Attachment F of the NOFA.

CoCs must process the Certification of Local Need (Attachment D of the Application) and return it to the Applicant, in a timely manner, so that the Applicant can meet the Application deadline.

The original Application package will consist of the following one (1) hardcopy Application with original signatures; and a compact disc copy of the completed Application, with signatures.

The completed Application must be received by HCD no later than,

June 18, 2012, at 5:00 p.m. Applications received after the deadline will be date stamped, and disqualified due to the time of receipt. Additionally, faxed and/or emailed applications will not be accepted.

Please use the following methods to confirm ESG's receipt of an application:

1. Hand-deliver the application to the ESG office and ask for a receipt; or
2. Mail the application by certified mail, with return receipt requested; or
3. Use a commercial delivery service which provides proof of HCD's receipt

Please send application(s) via private delivery service or hand deliver to the Division of Financial Assistance Receptionist at:

Department of Housing and Community Development
Division of Financial Assistance (DFA)
Emergency Solutions Grants Program
1800 3rd Street, MS-390-1
Sacramento, CA 95811

Note: HCD strongly urges Applicants to provide ample time for delivery of Application packets. Applications sent through US Postal Service and overnight couriers (i.e. UPS, Fed Ex, etc.) have the potential to be misdirected or not delivered on time to meet deadlines.

B. Application Submittal Options

Applicants may submit more than one Application and choose not to combine different projects into the same Application. Applicants may not duplicate projects. How an Applicant submits an Application may impact a potential award. It is up to each Applicant to submit the Application as they think best.

Refer to the following examples.

SAMPLE SCENARIOS

SCENARIOS	APPLICATION SUBMITTAL	PROCESS OF EVALUATION
I	Options	
<p>City Shelter Project wants to operate both an Emergency Shelter to house 50 clients at 200 Front Street and a Day Center at 100 East Avenue.</p> <p>(2 separate projects)</p>	<p>Applicant may submit one Application. The Application must include two sets of documents for SECTIONS II, III, and Attachment T-Budget Sheets, one for each project site.</p>	<p>Each shelter will be rated separately. Scores will be averaged to result in total scoring as one Application. The facilities will not be competing against each other. If funded, this would result in one contract. <i>(Note: if one program does not meet eligibility requirements, only the program that is eligible can still be funded for the amount requested for that particular program.)</i></p>
	<p>Applicant may submit two complete Applications for each location (address).</p>	<p>Each Application will be evaluated and rated as separate proposals. They will be competing against each other for the regional allocation. New Programs will compete with other New Programs' allocation. One, both or neither may be funded. This option would result in two contracts.</p>
II	Options	
<p>Project Hope wants to operate an Emergency Shelter and a Transitional Housing Project at 300 East Avenue.</p> <p>(2 separate projects)</p>	<p>Applicant may submit one Application. The Application must include two sets of documents for SECTIONS II, III, and Attachment T-Budget Sheets, for each project, emergency shelter, and transitional housing.</p>	<p>Each program will be evaluated and rated as separate proposals. The Emergency Shelter program will be rated against other Emergency Shelters; and the Transitional Housing project will be rated against other Transitional Housing projects. Scores will be averaged to result in total scoring as one Application. Project Hope will either be funded to include both Emergency Shelter and Transitional Housing, or not be funded at all. If funded, this would result in one contract. <i>(Note: if one program does not meet eligibility requirements, only the program that is eligible can still be funded for the amount requested for that particular program.)</i></p>
	<p>Applicant may submit separate Applications for each project.</p>	<p>Each will be evaluated and rated as separate proposals. The Emergency Shelter will be rated against other Emergency Shelters, and the Transitional Housing project will be rated against other Transitional Housing projects. They will be competing against each other for funding for the regional allocation. One, both, or neither can be funded. This would result in two contracts.</p>

V. IMPORTANT DATES

Timetable for ESG NOFA and Application Process

DATE	DESCRIPTION
May 2, 2012	Release of NOFA and Application
May 15 & 17, 2012	ESG Application Workshops (See Application Workshop, Section VI, below)
June 18, 2012	ESG Application Due Date
August 6, 2012	Announcement of Awards
Sept. 10, 2012	Anticipated Mailing of Contracts to Subrecipients for Signature

Note: The timetable, above, are approximate dates and may vary. Please be aware that receipt of a FESG or HPRP Grant, in the past, does not guarantee future awards. Plan accordingly.

VI. APPLICATION WORKSHOP

To assist Applicants in preparing their Applications, HCD will conduct workshops which will cover the elements of the NOFA, Application, and Rating and Ranking criteria. It is recommended that the Applicant and Grant Writer attend one of the two workshops being held in either Sacramento or Irvine, California.

Refer to Attachment E, of this NOFA, for Workshop details.

VII. ALLOCATION OF FUNDS AND FUNDING AMOUNTS

A. Geographic Allocation of Funds

HCD's administered ESG Round II NOFA allocation is \$3,510,689 for all ESG eligible activities.

New Programs: Up to \$54,549 may be directed to New Projects in ESG-eligible cities and counties. An Applicant Project must have been operating for less than 24 months from the date of the applicable NOFA, and the organization must not have received either FESG or HPRP funds in the previous last two funding rounds.

The remaining available funds of \$3,456,140 will be divided between three regional allocations and one general allocation on a competitive basis to projects operated by private nonprofit organizations and units of general purpose local governments in ESG-eligible cities and counties, (listed in NOFA **Attachment A**), as follows:

1. Northern California Allocation Region will receive approximately 33 percent of the available funds.
2. Southern California Allocation Region will receive approximately 24 percent of the available funds.
3. Rural County Allocation Region will receive approximately 19 percent of the available funds.
4. The remaining 13 percent, as well as, any unawarded funds from the regional or New Programs set-asides, will be considered the General Allocation amount, and will be awarded on a competitive basis to remaining unfunded Applicants in the order of their competitive statewide ranking, until all funds have been awarded.

B. Minimum and Maximum One Year Grant Amounts

1. The minimum grant amount per application is \$100,000.
2. The maximum grant amount per application is \$150,000.

C. Budget Request Impacts

HCD may determine that the budget submitted with the Application will need to be reduced. A budget reduction may be due to any of the following:

1. One or more of the projects are not eligible due to lack of evidence of site control or some other disqualifier.

2. Cost calculation errors. Only reductions can be made. HCD will not increase the Application's budgeted-requested amount.
3. Application is rated the lowest in the appropriate regional division (Northern, Rural, Southern, New Programs, and General) and will be allocated the balance of available funds.
4. Budget activities are not clear or line item expenses are not included on the ESG Grant Eligible Expenses Guide*.
5. Limitations listed under the Project Components and ESG Grant Eligible Expenses Guide* may need to be adjusted. Refer to Section XIV of this NOFA.

**The ESG Grant Eligible Expenses Guide may found on the Department's website at: <http://www.hcd.ca.gov/fa/esg/>*

VIII. EXPENDITURE SPECIAL LIMITS

A. Street Outreach (SO) and Emergency Shelter (ES) Activities

The total amount of the 2011 fiscal year grant for ESG Round II that can be expended on the combination of SO and ES cannot exceed \$354,077.

B. Administrative Activities

Funds available for Subrecipients' administrative activities shall be limited to \$95,488.

C. Homeless Management Information System Activities (HMIS)

Applicants may request HMIS funds up to 11 percent of their total proposed ESG request. Requests exceeding 11 percent must be accompanied with a justification. The justification will be subject to review and approval prior to awards being made by HCD.

D. Funding

Within the applicable allocations described in Section VII, ESG funds will be awarded to eligible organizations in descending rank order, by score, for the eligible amount requested, until the remaining funds in each allocation are insufficient to fully fund the next highest ranked Application(s).

Partial funding may occur if the Application is ranked just above the funding cut-off line and:

1. The applicable allocation set-aside has been reached; and/or
2. There are certain costs within an Application that are ineligible or

inadequately described in the Application.

Applicants are advised that if they are funded, their Application itself is incorporated by reference into the Standard Agreement between HCD and the Subrecipient. HCD will carefully examine an Applicant's records at the time of grant monitoring to determine the accuracy of statements made in their Application. If there has been any misrepresentation, HCD reserves the right, with reasonable notice, to cancel the grant and demand repayment.

After an Application is approved for funding, any change in the program must be requested in writing to HCD. All changes are subject to HCD written approval prior to implementation.

E. Expenditure and Obligation Requirements:

1. The awardees approved Standard Agreement will terminate 12 months from the date the Standard Agreement is executed by both parties.
2. All ESG funds must be obligated within **180-days** from the date of the Award Notification Letter from HCD.

Documentation that funds have been obligated shall be evidenced by the Subrecipient submitting a request for reimbursement (drawdown) to HCD or submitting accounting records, and other federally required reports used to report the grantee's expenditures. In addition to the obligation requirement, the grantee must incur expenditures by the obligation deadline.

Subrecipients failing to meet the 180-days obligation of funds requirement will be subject to grant termination and all grant funds will be disencumbered by HCD and made available for reallocation.

5. Subrecipient Grantees shall not expend any funds requiring reimbursement prior to the date the Standard Agreement is executed by HCD and no funds shall be expended until any required environmental review process has been completed to HCD's satisfaction.
6. All activities for which the Subrecipient requests funds must have already been performed, (reimbursement-only basis), with the exception of activities paid for under the provision of a grant advance. Subrecipients may request an advance of 30 days working capital or \$5,000, whichever is greater, after the Standard Agreement is executed. An advance must be requested within 60 days of the execution date of the Standard Agreement.
7. All costs incurred and reimbursable shall be in accordance with the availability dates set by HUD in the Grant Agreement between HUD and HCD.

8. Requests for drawdown of grant amounts should be made on current forms provided by HCD. No costs incurred after the expiration date of the Standard Agreement or availability date set by Department shall be reimbursable.

IX. ELIGIBLE ORGANIZATIONS

A. Eligible Organizations are:

1. Units of general purpose local government, (cities and counties), that do not receive formula ESG funds directly from HUD.
2. Private nonprofit organizations applying for projects located in Eligible cities or counties.

Refer to **Attachment A** for more information.

B. Experience Requirement:

As of the publication date of the NOFA, an Applicant (Subrecipient) applying for Emergency Shelter activities shall have provided Program Participant housing continuously each day throughout the prior twelve months (or for winter or summer-only shelter providers, each day throughout the region's prior winter or summer shelter season). This requirement does not apply to organizations that apply under a New Program allocation, nor activities other than Emergency Shelter activities.

New Programs means projects that have been operating for less than two years from the date of the applicable NOFA, and the Applicant Organization has not received FESG or HPRP funds in the previous two funding rounds.

C. Services for Selected Populations:

Facilities or programs exclusively serving a selected population must meet the following requirements:

1. A State or Federal Law or Regulation requires ESG-funded projects to exclusively serve a selected homelessness subpopulation; or
2. The nature of the physical facilities or the nature of services provided reasonably necessitates restriction of the housing or program to a particular subpopulation, consistent with State and Federal and the State Fair Housing Law.

See **Attachment C** for more information on serving selected populations with ESG funding.

X. ELIGIBLE FACILITIES

A facility is defined as the physical location in which an ESG Program is being carried out including the offices used for Homelessness Prevention activities. Any

building for which ESG funds are used must meet all applicable Federal, State, and local safety and sanitation standards.

A. Emergency Shelters

Emergency Shelter is any facility, including but not limited to day centers, transitional housing, and overnight shelter, whose primary purpose is to provide temporary shelter with support services for the homeless, in general, or for specific populations of the homeless. Emergency overnight shelter is limited to occupancy of six months or less by a homeless person, and is not withheld due to a Program Participant's inability to pay. A Subrecipient may accept payment vouchers provided through any other public or private program for clients in Emergency Shelters, so long as no shelter beds are reserved beyond sundown for this purpose.

Transitional Housing with supportive services is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homelessness persons. Transitional Housing includes self-sufficiency developmental services, with the ultimate goal of moving recently homelessness persons to permanent housing as quickly as possible. For the purposes of administering the ESG program, transitional housing will be considered as an Emergency Shelter in the Standard Agreement and complies with the following:

1. Subrecipient providing Transitional Housing must limit occupancy to a maximum of two years.
2. Each Program Participant must be offered at least three types of self-sufficiency developmental services, including but not limited to, job counseling or instruction, personal budgeting or home economics instruction, tenant skill instruction, landlord/tenant law, victim's rights counseling, or apartment search skills instruction.
3. As a condition of receiving housing, each Program Participant is required to participate in at least one self-sufficiency developmental service offered by the transitional housing provider.
4. Every Program Participant must be provided referrals to permanent housing.
5. An Applicant or Subrecipient, who provides transitional housing, may charge rent only if a minimum of ten percent of all rent collected for each Program Participant is reserved to assist that Program Participant in moving to permanent housing.

An Applicant or Subrecipient can request a waiver of this ten percent set-aside requirement where the Applicant or Subrecipient has demonstrated to HCD's satisfaction that its program is funded to provide assistance to all Program Participants when they move into permanent housing, and that this assistance is funded from sources other than State ESG funds. This assistance can include such things as: Assistance with security deposit, first/last month's rent, or

household items. Such individual assistance provided to a Program Participant must equal at least ten percent of all the rent collected from that client.

- a. The reserve of rent for each Program Participant must be accounted for separately;
- b. If rent reserved for a Program Participant remains unused due to the absence of the Program Participant for a year or more, the monies shall be used to assist another Program Participant in moving to permanent housing; and,
- c. The rent and any service fees charged are limited to an ability-to-pay formula reasonably consistent with HUD's requirements for subsidized housing for low-income persons.

B. All ESG-funded facilities/programs must establish the following:

1. Rules for Program Participation must be conspicuously posted at the emergency shelter or given to Subrecipients receiving Homelessness Prevention funds and/or Rapid Re-housing assistance. The Rules for Program Participation shall include;
 - a. A statement of the maximum consecutive number of days during which a Program Participant is eligible to participate in the program.
 - b. The policy for disability-related issues, including the process for a Program Participant to request a reasonable accommodation, and procedures for filing a disability-related grievance.
 - c. The policy for termination or denial from the program, and the process for Program Participant appeal of that termination or denial. Per federal ESG Regulations, Section 42 U.S.C.11375 (e), if an individual or family receiving assistance from an ESG Subrecipient violates program requirements, the Subrecipient may terminate assistance. The Subrecipient is required to terminate assistance in accordance with a formal process that has been established by the Subrecipient which recognizes the rights of individuals or families affected. This process may include a hearing.

Every Subrecipient must describe its termination/denial policy in its ESG Application. Generally, policies should include at least the following elements: A progressive discipline warning system, written notices, a formal appeal process, and consideration of the appeal by someone not involved in the original termination. Homelessness Prevention and Rapid Re-housing Programs must also have an Applicant denial/appeal policy.

For Transitional Housing only: a statement explaining that as a condition of receiving housing, each Program Participant is

required to participate in at least one self-sufficiency development service offered by a transitional housing service provider.

2. Program Evaluation

All programs funded by ESG must have a process for evaluation of their program requesting ESG funds.

3. Confidentiality Policy for the Provision of Family Violence Services

The federal ESG Regulations, 42 U.S.C. 11375 (c) (5), require that HCD develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services.

The address or location of family violence shelters funded by ESG may not be made public without the permission of the shelter provider. HCD will tag those departmental files containing any such confidential addresses, and note within the file that the site address shall not be made public. The site address will not be included in the departmental database. Refer to the ESG Application, the Confidential Site Location Designation Agreement, Attachment M, and the Confidentiality Procedures of Applicant, Attachment N, as both shall apply.

4. Homeless Participation, 24 CFR Section 576.405

- a. The Subrecipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the Subrecipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receive funding under ESG.
- b. If the Subrecipient is unable to meet the requirement under paragraph a., above, it must instead develop and implement a plan to consult with homeless or formerly homeless individuals in considering and making policies affecting the ESG program.
- c. To the maximum extent practicable, the Subrecipient must involve homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under ESG. This involvement may include employment or volunteer services.

5. Limited English Proficiency Plan

All Applicants and Subrecipients should refer to the Department of Housing and Urban Development (HUD) guidelines on Limited English Proficiency (LEP) located at public website:

<http://www.hud.gov/offices/fheo/promotingfh/lep.cfm>

Additional LEP guidance and frequently asked questions are available at

HUD's webpage:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq

XI. CONTINUED USE REQUIREMENTS

Section 24 CFR 91.225 states, facilities assisted with ESG funds must be maintained as such for the homelessness for specified minimum time periods. The specified time periods have been established according to the types of activities assisted with ESG funds.

- A. If an emergency shelter's rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the building will be maintained as a shelter for homeless individuals and families for a minimum of ten years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.
- B. If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the building will be maintained as a shelter for homeless individuals and families for a minimum of ten years after the date the building is first occupied by a homeless individual or family after the completed conversion.
- C. In all other cases where ESG funds are used for renovation, the building will be maintained as a shelter for homeless individuals and families for a minimum of three years after the date the building is first occupied by a homeless individual or family after the completed Renovation.
- D. If ESG funds are used for shelter operations or essential services related to street outreach or emergency shelter, the Subrecipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long as the Applicant serves the same type of persons (e.g., families with children, unaccompanied youth, veterans, disabled individuals, or victims of domestic violence) or persons in the same geographic area.
- E. Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.
- F. The Subrecipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for such individuals.
- G. To the maximum extent practicable, the Subrecipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities

assisted under ESG, in providing services assisted under ESG, and in providing services for occupants of facilities assisted under ESG; and

- H. All activities the Subrecipient undertakes with assistance under ESG are consistent with the State's current HUD-approved consolidated plan.

XII. APPLICATION REQUIREMENTS

- A. The project must serve eligible participants residing in an eligible service area. The eligible Applicant must have site control of the facility where ESG activities are being performed.
- B. An eligible Applicant applying for Emergency Shelter activities must have provided shelter activities continuously each day throughout the prior twelve months; or for winter or summer-only shelter providers, each day throughout the region's prior winter or summer shelter season. This requirement does not apply to Applicants that apply as a New Program.
- C. All Applications must include Attachment A thru Attachment T, as applicable, from the ESG Application.
- D. Special attention must be made, and included, to the following Application Attachments:
 - 1. An executed Authorizing Resolution, **Attachment A**;
 - 2. A confidential site may request a waiver of site address disclosure from HCD, **Attachment M** and **Attachment N**;
 - 3. The "Certification of Local Approval" must be completed by the city or county where the project resides, **Attachment C**;
 - 4. The "Certification of Local Need" must be submitted for each application. This will require applicants to coordinate with their local CoC, **Attachment D**; and
 - 5. The matching contribution requirements shall be consistent with the provisions set forth in 42 USC Section 11375 and 24 CFR Section 576.201, **Attachment O**.

HCD may request clarification of unclear or ambiguous documents/statements made in the Application where doing so will not impact the neutral evaluation of the Application. HCD may request that an Applicant revise Application documents, as necessary, to establish threshold compliance as long as such revisions do not alter competitive scoring. This includes, but is not limited to, adjustments made to the amount of funding requested in order to conform to the monetary funding limits as described in Section VII of this NOFA.

In instances where an Application ranks high enough to be funded, but there is information missing from the Application, HCD may request submission of the

information that was omitted if the information existed prior to the Application deadline, and the submission of the information is necessary for Application completeness but does not alter competitive scoring. This may include information such as evidence of an Applicant's status as a unit of general purpose local government or private nonprofit corporation.

An Application may be deemed ineligible if the application is incomplete, the proposed activities are ineligible, an executed Authorizing Resolution is missing, or HCD is unable to reasonably determine what the applicant is proposing.

HCD must mail contracts to Subrecipients for their signature 60 days from the time HUD signs the Grant Agreement. The time required to review and rank Applications, and prepare contracts allows no additional time for appeals. Any failure to meet the 60-day time limit could result in the loss of all ESG funds to HCD. Therefore, HCD's funding decisions are final and not subject to appeal.

XIII. GENERAL PROVISIONS

- A. ESG funds can be used for six Program Components: Street Outreach, Emergency Shelter, Homelessness Prevention, Rapid Re-Housing, HMIS, and Administrative costs.
- B. The costs of essential services related to street outreach are eligible costs under the ESG program. The eligible costs for street outreach activities differ from the eligible costs for essential services related to emergency shelter, as they are limited to those necessary to provide emergency care on the street.
- C. To the extent possible, essential services related to emergency shelter and street outreach are the same as the eligible costs for supportive services under the Continuum of Care program.
- D. Under Emergency Shelter activities, Subrecipients must not require a lease between the Program Participant and landlord.
- E. Under Homelessness Prevention and Rapid Re-Housing, the requirements for short- and medium-term rental assistance require that a Program Participant and a housing owner have a written lease for the provision of rental assistance unless the assistance is solely for rental arrears.
- F. Additionally, under Homelessness Prevention and Rapid Re-Housing, short- and medium-term rental assistance, a rental assistance agreement is required between the Subrecipient and the housing owner.
- G. Provision of rental assistance up to 3 months, shall be considered short-term, rental assistance up to 24 months shall be considered medium-term.

Rental assistance cannot be provided to a Program Participant who is receiving tenant based rental assistance, or living in a housing unit receiving project based rental assistance or operating assistance, through other public sources except

for a one-time payment of rental arrears on the tenants portion of the rental payment,.

- H. Subrecipient may request an advance of up to 30 days cash need or \$5,000, whichever is greater. The advance request must be based on a realistic estimate of designated activities. One advance is allowed and must be requested within 60 days of the start of the grant term. Thereafter, the Subrecipient will be reimbursed for the amount of its actual cash disbursements.
- I. Subrecipient to draw down its funds from each year's allocation not less than once during each quarter of the program year.
- J. The Subrecipient must provide for the participation of not less than one homeless individual or formerly homeless individual on the board of directors or other equivalent policy-making entity of the Subrecipient, to the extent that the entity considers and makes policies and decisions regarding any facilities, services, or other assistance that receives funding under ESG. Refer to 24 CFR, 576.405 for additional details.
- K. Indirect costs are not allowed under HCD's ESG Program.
- L. Organizations that are religious or faith-based are eligible, on the same basis as any other organization, to receive ESG funds. Organizations that are directly funded under the ESG program may not engage in inherently religious activities, such as worship, religious instruction, or proselytization as part of the programs or services funded under ESG. Refer to 24 CFR, 576.406 for additional details.

XIV. PROJECT COMPONENTS

A. Eligible Main Activities, Sub-Activities, and Limitations

- 1. For specific details on ESG eligible expenses refer to the ESG Eligible Expenses Guide on the HCD Website at: <http://www.hcd.ca.gov/fa/esg>.
- 2. Indirect costs are disallowed under the Department's ESG Program. Do not claim indirect costs on your budget sheets.

B. Limitations under Emergency Shelter and Street Outreach Activities

- 1. **Expenditure Limits:** The maximum amount available for both Street Outreach and Emergency Shelter activities, for the 2011 ESG Round II allocation, is \$354,077.
- 2. **Minimum Period of Use:** Where ESG funds are used solely for essential services or shelter operations, services or shelter must be provided to homeless individuals and families at least for the period during which the ESG funds are provided. ESG funds may be used for

costs of providing essential services to homeless families and individuals in emergency shelters, renovating buildings to be used as emergency shelter for homeless families and individuals, and operating emergency shelters. 24 CFR, Section 576.102) (c).

The Renovation or period of use may be summarized as follows:

Activity	Use Requirement	Building Valuation
Major Rehabilitation	10 Years*	If rehab costs exceed 75 percent of the value of the building <u>before rehab</u>
Conversion	10 Years*	If rehab costs exceed 75 percent of the value of the building <u>after rehab</u>
Other Renovation	3 Years	If rehab costs are 75 percent or less of the value of the building <u>before rehab</u>

****Recorded deed or use restriction required***

3. **Maintenance of Effort:** If the Subrecipient is a unit of general purpose local government, its ESG funds cannot be used to replace funds the general purpose local government provided for Street Outreach and Emergency Shelter Services during the immediately preceding twelve month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit. (24 CFR, Section 576.102(d).
4. Under Emergency Shelter, no lease or occupancy agreements are permitted.
5. Emergency Shelter occupancy cannot exceed six months.
6. Transitional Housing with supportive services is limited to occupancy of up to 24 months.
7. A Subrecipient, who provides transitional housing, may charge rent only if a minimum of ten percent of all rent collected for each client is reserved to assist that client in moving to permanent housing. The reserve of rent for each client must be accounted for separately.

Homelessness Prevention may be provided to individuals and families who meet the criteria under the at risk of homelessness and have an annual income below thirty percent of median family income for the area. Refer to:

<http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/income/2012/ca.pdf>

8. Legal services for immigration and citizenship matters and issues relating to mortgages are ineligible costs. (24 CFR, Section 576.102 (a)(1)(vi)(F).
9. Legal services retainer fee arrangements and contingency fee

arrangements are ineligible costs. (24 CFR, Section 576.102 (a)(1)(vi)(F).

10. Substance abuse treatment services for inpatient detoxification and other inpatient drug or alcohol treatment are ineligible costs. (24 CFR, Section 576.102(a)(1)(ix)(C).

C. Limitations under Homelessness Prevention activities

1. Housing Relocation and Stabilization Services

- a. Household(s) must have an annual income below 30 percent of median family income for the geographic area. [Refer to: <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/income/2012/ca.pdf>].
- b. Program Participants must meet with a case manager at least once a month for the duration of assistance, except where funding under Violence Against Women Act (VAWA) or Family Violence Prevention and Services Act (FVSP) prohibits the Subrecipient from making shelter or housing conditional upon the receipt of services.
- c. Program Participants must be assisted, as needed, in obtaining appropriate supportive services, like mediation or mental health treatment or services essential for independent living; and mainstream benefits like Medicaid, SSI, or TANF.
- d. Except for housing stability case management, the total period for which any Program Participant may receive service costs must not exceed 24 months during any three year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family. (24 CFR, Section 576.105)
- e. Homelessness Prevention must be provided in accordance with the housing relocation and stabilization services requirements in 24 CFR, section 576.105, the short-term and medium-term rental assistance requirements in 24 CFR Section 576.106, and the written standards and procedures established under 24 CFR Section 574.400.
- f. Security Deposits: ESG funds may pay for a security deposit that is equal to no more than two months' rent. (24 CFR, Section 576.105(a)(2)).
- g. Last Month's Rent: If necessary to obtain housing for a Program Participant, the last month's rent may be paid from ESG funds to

the owner of that housing at the time the owner is paid the security deposit and the first month's rent. This assistance must not exceed one month's rent and must be included in calculating the Program Participant's total rental assistance, which cannot exceed 24 months during any three year period. (24 CFR, Section 576.105(a)(3)).

- h. **Utility Payments:** ESG funds may pay for up to 24 months of utility payments per Program Participant, per service, including up to six months of utility payments in arrears, per service. A partial payment of a utility bill counts as one month. This assistance may only be provided if the Program Participant or a member of the same household has an account in his or her name with a utility company or proof of responsibility to make utility payments. Eligible utility services are gas, electric, water, and sewage. No Program Participant shall receive more than 24 months of utility assistance within any three year period. (24 CFR, Section, 576.105(a)(5)).
- i. **Housing Stability Case Management:** ESG funds may be used to pay cost of assessing, arranging, coordinating, and monitoring the delivery of individualized services to facilitate housing stability for a Program Participant who resides in permanent housing or to assist a Program Participant in overcoming immediate barriers to obtaining housing. This assistance cannot exceed thirty days during the period the Program Participant is seeking permanent housing and cannot exceed 24 months during the period the Program Participant is living in permanent housing. (24 CFR, Section, 576.105(b)(2)).
- j. **Maximum Amounts and Periods of Assistance:** The recipient may set a maximum dollar amount that a Program Participant may receive for each type of financial assistance under 24 CFR, Section, 576.105, paragraph (a). The Subrecipient may also set a maximum period for which a Program Participant may receive any of the types of assistance or services under this section. However, except for housing stability case management, the total period for which any Program Participant may receive the services under paragraph (b) of this section must not exceed 24 months during any three year period. The limits on the assistance under this section apply to the total assistance an individual receives, either as an individual or as part of a family. (24 CFR, Section, 576.105(c)).

2. Short and Medium-Term Rental Assistance:

- a. **Compliance with Fair Market Rent (FMR) Limits and Rent Reasonableness:** Rental assistance is prohibited from being provided for a housing unit, unless the total rent for the unit does not exceed the fair market rent established by HUD, as provided

under 24 CFR Part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR Section 982.507. These rent restrictions are intended to make sure that Program Participants can remain in their housing after their ESG assistance ends.

- b. Compliance with Minimum Habitability Standards: The revised habitability standards (shelter and housing standards) incorporate lead-based paint remediation and disclosure requirements. The revised standards for emergency shelters require all shelters to meet minimum habitability standards. Shelters renovated with ESG funds are also required to meet state or local government safety and sanitation standards, as applicable, include energy-efficient appliances and materials. If ESG funds are used to help a Program Participant remain in or move into permanent housing, that housing must meet habitability standards.
- c. Rental Assistance Agreement and Lease Standards: The rental assistance agreement must set forth the terms under which rental assistance will be provided.
- d. Each Program Participant receiving rental assistance must have a legally binding, written lease (between Program Participant and the owner) for the rental unit, unless the assistance is solely for rental arrears.
- e. Project-based rental assistance leases must have an initial term of one year.
- f. No rental assistance can be provided to a household receiving rental assistance from another public source for same time period (except 6 months of arrears).
- g. Rental assistance may not be provided to Program Participants who are currently receiving replacement housing payments under the Uniform Relocation Assistance (URA).
- h. The rental assistance agreement held by Subrecipients must contain the same payment due date, grace period, and late payment penalty requirements as the Program Participant's lease.
- i. The Subrecipient must make timely payments to the owners in accordance with the rental assistance agreement.
- j. The Subrecipient is solely responsible for paying (with non-ESG funds) late payment penalties that it incurs.
- k. Under Homelessness Prevention, the total period for which any Subrecipient may receive services must not exceed 24 months

during any three-year period.

- l. Under the Short-Term and Medium-Term Rental Assistance, the Subrecipient may set a maximum amount or percentage of rental assistance that a Program Participant may receive, a maximum number of months that a Program Participant may receive rental assistance, or a maximum number of times that a Program Participant may receive rental assistance. The Subrecipient may also require Program Participants to share in the costs of rent.
- m. Short-Term and Medium-Term Rental Assistance Use with Other Subsidies: Except for a one-time payment of rental arrears on the tenant's portion of the rental payment, rental assistance cannot be provided to a Program Participant who is receiving tenant-based rental assistance, or living in a housing unit receiving project-based rental assistance or operating assistance through other public sources.
- n. Short-Term and Medium-Term Rental Assistance may not be provided to a Program Participant who has been provided with replacement housing payments under the URA during the period of time covered by the URA payments.
- o. Short-Term and Medium-Term Rental Assistance: Rental assistance cannot be provided unless the rent does not exceed the Fair Market Rent established by HUD, as provided under 24 CFR part 888, and complies with HUD's standard of rent reasonableness, as established under 24 CFR Section 982.507.
- p. Short-Term and Medium-Term Rental Assistance Lease: Each Program Participant receiving rental assistance must have a legally binding, written lease for the rental unit, unless the assistance is solely for rental arrears. The lease must be between the Program Participant and the owner. Where the assistance is solely for rental arrears, an oral agreement may be accepted in place of a written lease if the agreement gives the Program Participant an enforceable leasehold interest, under state law, and the agreement and rent owed are sufficiently documented by the owner's financial records, rent ledgers, or canceled checks.

D. Limitations under Rapid Re-housing Assistance activities

1. Housing Relocation and Stabilization Services

- a. Individuals and families must have an annual income below 30 percent of median family income for the geographic area. [Refer to: <http://www.hud.gov/offices/cpd/affordablehousing/programs/home/limits/income/2012/ca.pdf>].

- b. Program Participants must meet with a case manager at least once a month for the duration of assistance, except where funding under Violence Against Women Act (VAWA) or Family Violence Prevention and Services Act (FVSP) prohibits the Subrecipient from making shelter or housing conditional upon the receipt of services.

E. Limitations under HMIS activities

1. General restrictions: Activities funded under the HMIS Component must comply with HUD's standards on participation, data collection, and reporting under a local HMIS. (24 CFR, Section 576.107).
2. All Applicants requesting more than 11 percent of the total ESG budget must submit a justification.

F. Limitations under Administrative Activities

The total amount of ESG funds available for administrative activities is 2.72 percent, for Subrecipients, for Round II only.

XV. APPLICATION RATING CRITERIA

For some rating criteria like projects will be compared.

A. The ESG rating categories are below:

1. Applicant Capability – up to 300 points

The Applicant's capability of achieving the activities and results proposed in the Application will be evaluated based on the rating factors listed in this section. Each rating factor will correspond to specific Application questions. The point scores awarded to each Application for each Application question will depend on the relative merit of the individual answer to each question.

- a. The number of years the Applicant has been providing housing and services for the homeless;
Maximum 30 points
- b. The Applicant has experience operating the proposed program or a program similar to the proposed program.
Maximum 30 points
- c. The process utilized by the organization to evaluate the program. Points will be awarded for this factor based on the frequency of evaluation, the degree of involvement of Program Participants and staff in the evaluation process, and

the impact of the evaluation process on the program. Applicants that provide supporting documentation of their evaluation process and outcomes will receive more points for this rating factor.

Maximum 30 points

- d. The Applicant's experience administering other federal housing grants including, but not limited to, other ESG grants;

Maximum 30 points

- e. The relative number of years experience key staff have been working in the program or related experience.

Maximum 60 points

- f. The proposed ratio of "key staff" to Program Participants.

Maximum 60 points

- g. Whether the Applicant has any unresolved monitoring findings or concerns from Emergency Shelter Grants awarded in no more than the previous four years;

Maximum 20 points

- h. Whether the Applicant has submitted required reports in a timely manner for Emergency Shelter Grants awarded in no more than the previous four years;

Maximum 20 points

- i. Whether the Applicant has obligated and expended funds in a timely manner for Emergency Shelter Grants awarded in no more than the previous four years.

Maximum 20 points

- j. Whether the Applicant has a record of disencumbrances or contract terminations in the previous four years.

Maximum 20 negative points

2. Need for Funds -up to 100 points (Rated by Continuum of Care)

The need for ESG funds will be evaluated by the CoC's based on the following:

- a. Leverage and Alignment

- i. Leverage of ESG fund

- ii. Alignment with CoC priorities.

Maximum 50 points

- b. CoC's will determine the priority ranking of applications received from each county within their service area. Applications will be rated and ranked against other applications for the same county only. Scores for each application must not be duplicated and must be in 5 point increments, i.e. 50 points for the highest rank, 45 points for the next highest rank, etc.

Maximum 50 points

3. Impact and Effectiveness – up to 250 points

Number of Supportive Services that will be provided to Program Participants as part of the Project in which ESG funds are being requested.

Maximum 50 points

Accessibility of Services: Transportation to and from off-site services, accommodation for clients with disabilities, and services that address the linguistic needs of the clients.

Maximum 10 points

Street Outreach Activities – up to 190 points

- a. Number of literally homeless individuals/families assisted.

Maximum 55 points

- b. Number of literally homeless individuals/families that will imminently (within 14 days) lose their primary nighttime residence with no subsequent *residence*, *resources* or support networks.

Maximum 35 points

- c. Number of unaccompanied youth or families with children/youth who meet the homeless definition under another federal statute and three additional criteria.

Maximum 35 points

- d. Number of individuals/families fleeing or attempting to flee domestic violence with no subsequent residence, resources or supportive networks.

Maximum 65 points

Emergency Shelter Activities- up to 190 points

The Impact and Effectiveness categories will be compared to like projects and rated.

- a. The percentage of all Program Participants exiting the program and moving into permanent, transitional, or emergency housing.

Maximum 108 points

- b. The percentage of Adult Program Participants who as a result of their participation in the program have obtained or retained employment.

Maximum 18 points

- c. The percentage of Adult Program Participants who as a result of their participation in the program have obtained other income such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or county general assistance.

Maximum 18 point

- d. The percentage of Adult Program Participants with a mental illness or chemical addiction who have stabilized a mental illness or chemical addiction for a minimum of 90 days if the program is a Transitional Housing program, or for a minimum of 30 days for all other programs.

Maximum 18 points

- e. The percentage of all Program Participants who are veterans, developmentally disabled, victims of domestic violence, physically, mentally, or emotionally disabled, or with HIV/AIDS.

Maximum 28 points

Homelessness Prevention Activities- up to 190 points

The impact and effectiveness of the Homelessness Prevention Activities-proposed to be provided by the Applicant will be evaluated

- a. Number of At-Risk Individuals assisted with Homelessness Prevention activities.

Maximum 48 Points

- b. Number of Households At-Risk assisted with Homelessness Prevention activities.

Maximum 22 Points

- c. Number of At-Risk Veterans assisted with Homelessness Prevention activities.

Maximum 32 Points

- d. Number of At-Risk victims of domestic violence assisted with Homelessness Prevention activities.

Maximum 22 Points

- e. Number of At-Risk developmentally disabled participants assisted with Homelessness Prevention activities.

Maximum 22 Points

- f. Number of At-Risk participants that are physically, mentally or emotionally disabled and were assisted with Homelessness Prevention activities.

Maximum 22 Points

- g. Number of At-Risk participants with HIV/AIDS and were assisted with Homelessness Prevention activities.

Maximum 22 Points

Rapid Re-Housing Activities- Up to 190 points

The impact and effectiveness of the Rapid Re-Housing Activities proposed to be provided by the Applicant will be evaluated.

- a. Number of Homeless Individuals assisted with Rapid Re-Housing activities.

Maximum 50 Points

- b. Number of homeless Households assisted with Rapid Re-Housing activities.

Maximum 22 Points

- c. Number of homeless veterans assisted with Rapid Re-Housing activities.

Maximum 30 Points

- d. Number of homeless victims of domestic violence assisted with Rapid Re-Housing activities.

Maximum 22 Points

- e. Number of homeless developmentally disabled participants assisted with Rapid Re-Housing activities.

Maximum 22 Points

- f. Percentage of homeless participants that are physically, mentally or emotionally disabled and were assisted with Rapid Re-Housing activities.

Maximum 22 Points

- g. Number of homeless participants with HIV/AIDS and were assisted with Rapid Re-Housing activities.

Maximum 22 Points

4. Cost Efficiency – up to 100 points

- a. The relative cost efficiency of the proposed use of ESG funds as measured by the cost per bed per month or cost per household assisted. Capacity utilization of beds will be evaluated.

Maximum 60 points

- b. Bed capacity (defined as the total number of beds and cribs regularly in use) shall be documented in the form of schematics or floor plans for Emergency Shelters and Transitional Housing Facilities showing the placement of beds and cribs or, for Voucher Programs, typical motel room floor plans showing bed/crib arrangements. Maximum bed utilization is strongly recommended. Points will be deducted if bed usage falls below 90 percent of bed capacity.

(–Deduction of 10 Points Maximum)

- c. The Applicant's level of coordination with other organizations to operate the program as demonstrated by such things as: Coordination of service delivery with other providers of housing or services to the homeless, use of volunteers, and use of in-kind donations, use of client and community educational programs, and participation in coalitions. In evaluating this rating factor, the Department may ask the Applicant to provide up to three letters from collaborating organizations which describe their collaborative relationship with the Applicant.

Maximum 40 Points

5. State Objectives – up to 35 points

The Department's selection of State Objectives shall be based on if a Project targets the Chronically Homeless, Homeless Veterans, or serves the homeless population in an under-served area/s. The point scores awarded to each Application for the State Objectives will depend on the relative merit of the individual answers. In no instance shall the total amount of State Objective points available in any given year exceed five percent of the total amount of points available under Section 8411 (b) of the State regulations.

Maximum 35 Points

Total Possible – 785 Maximum Points

XVI. FEDERAL OVERLAYS

A. Limitations for Primarily Religious Organizations

Primarily religious organizations may receive ESG funds if they agree to provide all eligible activities under this program in a manner that is free from religious influences, and in accordance with 24 CFR 576.406.

ESG funds may not be used for the rehabilitation of structures to the extent that those structures are used for inherently religious activities. Where a structure is used for both eligible and inherently religious activities, funds may not exceed the cost of those portions of the rehabilitation that are attributable to eligible activities in accordance with the federal cost accounting requirements. Sanctuaries, chapels, or other rooms the religious congregation uses as its principal place of worship are ineligible for ESG funded improvements. Disposition of real property after the term of the grant, or any change in use of the property during the term of the grant, is subject to government-wide regulations governing real property disposition, (see 24 CFR parts 84 and 85, as applicable).

B. Nondiscrimination and Equal Opportunity

Use of grant funds must comply with all applicable Federal and State Civil Rights Laws and implementing regulations, including but not limited to Title VIII of the Civil Rights Act of 1968, Title VI of the Civil Rights Act of 1964, Executive Order 11063, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, Executive Order 11246, and Section 3 of the HUD Act of 1968.

In addition, consistent with all applicable executive orders, Subrecipients must make efforts to encourage the use of minority and women businesses in connection with grant activities. Every effort should be made to ensure that services and facilities are accessible to persons with disabilities, and reasonable accommodation is made for them.

C. Grant Management Practices

Private nonprofit organizations must comply with Federal grant management standards in 24 CFR Part 84. Units of general purpose local government must comply with Federal grants management standards in 24 CFR Part 85. These standards relate to, among other things, the allowable costs, procurement of equipment and services, cash deposits, bonding and insurance, records retention, financial systems, use of debarred, suspended, or ineligible contractors, and audits. HCD staff will assist all Subrecipients to meet these provisions.

D. Procurement Requirements

Purchases by private nonprofits are governed by the regulations at 24 CFR Part 84. Purchases by Units of general purpose local government agencies are subject to the regulations at 24 CFR Part 85.

Small Purchases: For the procurement of services, supplies, or other property that does not cost more than \$100,000, Subrecipients may utilize small purchase procedures and obtain price or rate quotations from an adequate number of qualified sources without going through a formal bid process. File documentation must be retained for ESG monitoring visits.

Purchases over \$100,000: Contact HCD staff if you anticipate a purchase over \$100,000.

The guidelines on procurement are summarized as follows:

1. Subrecipients are allowed to use their own procurement procedures as long as those procedures conform to the provisions in 24 CFR Parts 84 and 85, as applicable.
2. Subrecipients must maintain a system to handle disputes, protests, and other matters arising out of its contracts; maintain a code of conduct to prevent conflicts of interest, (personal, financial, and organizational); and use solicitations which are clear, and accurately describe the materials, products, or services being procured.
3. Subrecipients must use some form of cost or price analysis in connection with each of its procurements. Subrecipients must be able to justify procurements awarded on a non-competitive basis, and those awarded on a basis other than the lowest responsible bid.
4. Subrecipients must initiate positive efforts to use small and minority-owned businesses to the maximum extent possible, include all applicable contract provisions in contracts, and not use "cost plus percentage-of-cost contracts".

E. Building Standards

Any building for which ESG funds are used must meet all applicable federal, state, and local safety and sanitation standards. If renovation, conversion, or major rehabilitation funds are requested, the Application must demonstrate that the building will meet the applicable building standards upon completion of the work. Under the Residential Lead-Based Paint Hazard Reduction Act of 1992, any building that is rehabilitated, maintained, or operated with Federal funds must follow specific requirements to eliminate any lead-based paint hazards. Contact ESG staff for guidance.

F. Environmental Requirements

Costs of carrying out the environmental review responsibilities under 24 CFR Section 576.40 include:

1. The Subrecipient shall supply all available, relevant information necessary for the Department to perform for each property any environmental review as required under 24 CFR part 50. The Subrecipient shall also carry out mitigating measures required by the

Department or select an alternate eligible property. The Department may eliminate from consideration any Application that would require an Environmental Impact Statement (EIS).

2. The Subrecipient, or any contractor of the Subrecipient, may not acquire, rehabilitate, convert, lease, repair, dispose of, demolish, or construct property for a project, or commit or expend ESG or local funds for eligible activities under this part, until the Department has performed an environmental review under 24 CFR part 50 and the sub recipient has received the Department's approval of the property.

For all funded Applications, HCD will inform the Applicant of any required additional environmental research. HCD may need to visit the shelter site.

G. Relocation Requirements

Subrecipients must minimize the displacement of persons as a result of a project assisted with ESG funds. Contact ESG staff for guidance on federal and state relocation requirements if you think displacement will occur with your project before taking any action to displace.

H. Access for Persons with Physical Disabilities.

Refer to Section XI of this ESG NOFA.

I. Audit Requirement

If an Applicant organization receives \$500,000 or more in federal financial assistance, current Federal Audit Requirements require a single audit pursuant to the Single Audit Act, OMB Circular A-133.

XVII. DEFINITIONS

ADMINISTRATION means expenses necessary to administer the Grant, including costs to prepare ESG reports, communicate with Department staff, and pay the ESG share of a required audit. Grant administrative expenses do not include the cost of carrying out eligible activities.

APPLICANT PROJECT means a distinctive implementation plan or system of services and/or operation which will be used to assist the homeless with shelter and/or services and Homelessness Prevention and Rapid Re-Housing Services.

AREA-MEDIAN INCOME (AMI), Refer to the income limits under ESG: <http://www.huduser.org/portal/datasets/ahs/ahs97lim.html>

AT RISK OF HOMELESSNESS means:

A. An individual or family who:

1. Has an annual income below 30 percent of median family income for the area, as determined by HUD;
2. Does not have sufficient resources or support networks, e.g., family, friends, faith-based or other social networks, immediately available to prevent them from moving to an emergency shelter or another place described in paragraph (1) of the Homeless definition in this Section; and
3. Meets one of the following conditions:
 - a. Has moved because of economic reasons two or more times during the 60 days immediately preceding the Application for homelessness prevention assistance;
 - b. Is living in the home of another because of economic hardship;
 - a. Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of Application for assistance;
 - b. Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or general purpose local government programs for low-income individuals;
 - c. Lives in a single-room occupancy or efficiency apartment unit in which there reside more than two persons or lives in a larger housing unit in which there reside more than 1.5 people per room, as defined by the U.S. Census Bureau;

- d. Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, foster care or other youth facility, or correction program or institution); or
 - e. Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved consolidated plan;
- B. A child or youth who does not qualify as homeless under this Section, but qualifies as homeless under Section 387(3) of the Runaway and Homeless Youth Act (42 U.S.C. 5732a(3)), Section 637(11) of the Head Start Act (42 U.S.C. 9832(11)), Section 41403(6) of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2(6)), Section 330(h)(5)(A) of the Public Health Service Act (42 U.S.C. 254b(h)(5)(A)), Section 3(m) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(m)), or Section 17(b)(15) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(15)); or
- C. A child or youth who does not qualify as homeless under this section, but qualifies as homeless under Section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)), and the parent(s) or guardian(s) of that child or youth if living with her or him.

AVAILABILITY DATE means the date the ESG funding starts and ends, commencing with the date HUD signs the grant agreement notifying the Department.

CDBG means Community Development Block Grant program

CAPITAL DEVELOPMENT means a Renovation, Major Rehabilitation and/or Conversion project.

CHRONICALLY HOMELESS means:

- A. An individual who:

Is homeless and lives in a place not meant for human habitation, a safe haven, or in an emergency shelter; and

- 1. Has been homeless and living or residing in a place not meant for human habitation, a safe haven, or in an emergency shelter continuously for at least one year or on at least four separate occasions in the last 3 years, where each homeless occasion was at least 15 days; and

Can be diagnosed with one or more of the following conditions: substance use disorder, serious mental illness, developmental disability (as defined in Section 102 of the Developmental Disabilities Assistance Bill of Rights Act of 2000 (42 U.S.C. Section 15001), post-traumatic stress disorder, cognitive impairments resulting from brain injury, or

chronic physical illness or disability;

- B. An individual who has been residing in an institutional care facility, including a jail, substance abuse or mental health treatment facility, hospital, or other similar facility, for fewer than 90 days and met all of the criteria in paragraph (1) of this definition, before entering that facility; or
- C. A family with an adult head of household (or if there is no adult in the family, a minor head of household) who meets all of the criteria in paragraph (1) of this definition, including a family whose composition has fluctuated while the head of household has been homeless.

CITY is defined at 42 USC, Section 5302 (a) (5).

CONTINUUM OF CARE means the group composed of representatives of relevant organizations, which generally includes private nonprofit homeless providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, organizations that serve homeless and formerly homeless veterans, and homeless and formerly homeless persons that are organized to plan for and provide, as necessary, a system of outreach, engagement, and assessment; emergency shelter; rapid re-housing; transitional housing; permanent housing; and prevention strategies to address the various needs of homeless persons and persons at risk of homelessness for a specific geographic area.

DAY means calendar day.

DAY CENTER means a Facility or Program whose primary purpose is to provide homeless persons temporary shelter during the day, as well as to offer a wide range of services to large numbers of homeless persons on any given day that may include, but is not limited to, food services, clothing services, employment services, case management services, and addiction recovery support services. Day Centers do not regularly provide overnight shelter accommodations. Day Centers do not include child care centers or outpatient medical treatment or recovery centers.

DEPARTMENT means the California Department of Housing and Community Development.

DIRECTOR means the Director of the Department of Housing and Community Development.

ELIGIBLE ACTIVITIES mean those activities upon which ESG funds may be expended.

ELIGIBLE APPLICANT means:

Units of general purpose local government, (cities and counties), that do not receive formula ESG funds directly from HUD; and are located in or serving an Eligible-City

or Eligible County in the State of California, and provide or contract with community organizations to provide activities eligible under ESG; and

Private Nonprofit Organizations applying for programs that are located in Eligible cities or Eligible Counties. NOFA Attachment A lists those Eligible Cities and Eligible Counties, (general purpose local governments), known to HCD ; and,

Faith-based organizations receiving ESG funds, like all organizations receiving HUD funds, must serve all eligible beneficiaries without regard to religion.

ELIGIBLE CITY means a City that within the current federal fiscal year meets one of the following conditions: It is located within a county that is a Non-entitlement area pursuant to 42 USC, Section 5302; it is a Metropolitan City that receives no federal ESG funds directly from HUD pursuant to 42 USC, Section 11373; it is a City that is located within an Eligible County and that is not a Metropolitan City; or it is a City that is not a Metropolitan City and that is also not part of an agreement pursuant to 42 USC, Section 5302 to receive Federal ESG, CDBG and HOME funds as part of the Urban County within which it is located.

ELIGIBLE COUNTY means a county that within the current federal fiscal year meets one of the following conditions: The county is not an Urban County pursuant to 42 USC , Section 5302 (a) (6), or the county is an Urban County that is receiving no federal ESG funds directly from HUD pursuant to 42 USC Section 11373.

EMERGENCY SHELTER (Includes Transitional Housing and Day Centers) means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.

ESG is the acronym for the Emergency Solutions Grants Program administered by the Department.

ESSENTIAL SERVICES defined to include services concerned with employment, health, drug abuse, and education and may include (but are not limited to): Assistance in obtaining permanent housing; medical and psychological counseling and supervision; employment counseling; nutritional counseling; substance abuse treatment and counseling; assistance in obtaining other Federal, State, and local assistance including mental health benefits, employment counseling, medical assistance, veteran's benefits, and income support assistance, such as Supplemental Social Security Income benefits, Aid to Families with Dependent Children, General Assistance, and Food Stamps; other services such as child care, transportation, job placement and job training; and staff services necessary to provide the above services.

Transportation activities related to homeless services are considered to be Essential Services.

FACILITY means the physical location in which the program is being carried out. For

purposes of this definition, a physical location includes the offices at which Homelessness Prevention and/or Rapid Re-housing activities are being carried out.

FESG Federal Emergency Shelter Grants Program (FESG) renamed to federal “Emergency Solutions Grants” (ESG) Program per the HEARTH Act of 2009.

HCD means State of California Department of Housing and Community Development.

HOLD HARMLESS means the amount established by Section 415(b) of the McKinney-Vento Act (“the amount expended by [the recipient] for such activities during fiscal year most recently completed before effective date under Section 1503 of the [HEARTH Act]”). To reasonably and practicably implement the statute’s hold-harmless language, the interim rule makes the hold-harmless amount the amount of FY 2010 grant funds committed for street outreach and emergency shelter activities in FY 2010.

HOMELESS MANAGEMENT INFORMATION SYSTEM (HMIS) the HEARTH Act makes HMIS participation a statutory requirement for ESG subrecipients. Victim service providers cannot and Legal Services Organizations may choose not to, participate in HMIS. Providers that do not participate in HMIS must use a comparable database that produces unduplicated, aggregate reports instead. Activities funded under this component must comply with HUD’s standards on participation, data collection and reporting under a local HMIS.

HOMELESS means:

- A. An individual or family who lacks a fixed, regular, and adequate nighttime residence, meaning:
 - 1. An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground;
 - 2. An individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state, or general purpose local government programs for low-income individuals); or
 - 3. An individual who is exiting an institution where he or she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution;
- B. An individual or family who will imminently lose their primary nighttime residence, provided that:

1. The primary nighttime residence will be lost within 14 days of the date of Application for homeless assistance;
 2. No subsequent residence has been identified; and
 3. The individual or family lacks the resources or support networks, e.g., family, friends, faith-based or other social networks needed to obtain other permanent housing;
- C. Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
1. Are defined as homeless under Section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), Section 637 of the Head Start Act (42 U.S.C. 9832), Section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e–2), Section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), Section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), or Section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);
 2. Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of Application for homeless assistance;
 3. Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
 4. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment; or
- D. Any individual or family who:
1. Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;

2. Has no other residence; and
3. Lacks the resources or support networks, e.g., family, friends, faith-based or other social networks, to obtain other permanent housing. (Title 24: Housing and Urban Development, Section 91.5, Definitions, e-CFR Data is current as of January 19, 2012).

HOMELESS PERSON means a youth (17 years or younger) not accompanied by an adult (18 years or older) or an adult without children, who is homeless (not imprisoned or otherwise detained pursuant to an Act of Congress or a State law), including the following:

- A. An individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is:
 1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill);
 2. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

HOMELESSNESS PREVENTION Individuals and families who are at imminent risk or at risk of homelessness, meaning those who qualify under 24 CFR § 576.2 paragraph (1) of the homeless definition or those who qualify as at risk of homelessness. Individuals and families must have an income below 30% of AMI.

HPRP means Homeless Prevention and Rapid Re-Housing Program, under Title XII of the American Recovery and Reinvestment Act of 2009.

HUD means the U.S. Department of Housing and Urban Development.

MAINTENANCE OF EFFORT requirements apply to the use of ESG funds for essential services related to street outreach and for the use of such funds for essential services related to emergency shelter.

- A. If Subrecipient is a unit of general purpose local government, its ESG funds cannot be used to replace funds the unit of general purpose local government provided for street outreach and emergency shelter services during the immediately preceding 12-month period, unless HUD determines that the unit of general purpose local government is in a severe financial deficit.
- B. Upon the recipient's request, HUD will determine whether the unit of general purpose local government is in a severe financial deficit, based each of the following:

1. The average poverty rate in the unit of general purpose local government's jurisdiction was equal to or greater than 125 percent of the average national poverty rate, during the calendar year for which the most recent data are available, as determined according to information from the U.S. Census Bureau.
2. The average per-capita income in the unit of general purpose local government's jurisdiction was less than 75 percent of the average national per-capita income, during the calendar year for which the most recent data are available, as determined according to information from the U.S. Census Bureau.
3. The unit of general purpose local government has a current annual budget deficit that requires a reduction in funding for services for homeless people.
4. The unit of general purpose local government has taken all reasonable steps to prevent a reduction in funding of services for homeless people. Reasonable steps may include steps to increase revenue generation, steps to maximize cost savings, or steps to reduce expenditures in areas other than services for homeless people (24 CFR; Subpart B; Part 576.101(c)).

MAJOR REHABILITATION means rehabilitation that involves costs in excess of 75 percent of the value of the building before rehabilitation.

MANUFACTURED HOUSING means mobile homes, trailers, and factory-built homes.

MATCHING FUNDS is the contribution of the Subrecipient toward the eligible grant cost or cost sharing. This can include cash contributions, in-kind, and donated materials that could otherwise be charged to the grant. Refer to: 42 U.S.C. 11375.

- A. The matching contribution requirements shall be consistent with the provisions set forth in 42 USC, Section 11375 and 24 CFR, Section 576.
- B. Pursuant to subdivision (a), the Department will set forth in the applicable ESG NOFA any requirement of ESG Applicants to provide documentation of matching funds. (Authority: Section 50406 (n), Health and Safety Code Reference: 42 USC Section 11375, 24 CFR Section 576.2010.

MEMORANDUM OF UNDERSTANDING (MOU) means a written agreement between the Eligible Applicant and the Collaborating Organization agreeing to assist in the delivery of ESG services.

METROPOLITAN CITY means a city that was classified as a metropolitan city under 42 U.S.C. 5302(a) for the fiscal year immediately preceding the fiscal year for which ESG funds are made available. This term includes the District of Columbia (24 CFR, Section 576.2).

NEW PROGRAM means an Applicant Project that has been operating for less than 24 months from the date of the applicable NOFA and the organization must not have received either FESG or HPRP funds in the last previous two funding rounds.

NOFA is the acronym for a Notice of Funding Availability.

NON-ENTITLEMENT AREA is defined at 42 USC Section 5302.

NON-ENTITLEMENT COMMUNITIES means all units of general purpose local government that do not meet the definition and qualifications for an entitlement community, refer to: <http://www.hud.gov/offices/cpd/communitydevelopment/programs/nonentitlement.cfm>.

OBLIGATED FUNDS means that the entity awarded ESG funds has placed orders, awarded contracts, received services, or entered into similar transactions that require payment from the grant. Obligated Funds include grant amounts that a City or County awards to a private nonprofit organization by an award letter if the award letter requires payment from the grant amount.

OPERATING COSTS means expenses incurred by a project sponsor operating Transitional Housing or Permanent Housing under this title with respect to—
“(A) the administration, maintenance, repair, and security of such housing;
“(B) utilities, fuel, furnishings, and equipment for such housing; or
“(C) coordination of services as needed to ensure long-term housing stability [HEARTH Act, Title I, S. 896—40].

PRIVATE NONPROFIT ORGANIZATION means a private nonprofit organization that is a secular or religious organization described in Section 501(c) of the Internal Revenue Code of 1986 and which is exempt from taxation under subtitle A of the Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance. A private nonprofit organization does not include a general purpose local governmental organization, such as a public housing agency or housing finance agency.

PROGRAM PARTICIPANT means an individual or family who is assisted under the ESG Program. Also referred to in this NOFA as “Participant.”

PROJECT-BASED means, with respect to rental assistance, that the assistance is provided pursuant to a contract that—
“(A) is between—
“(i) the Subrecipient or a project sponsor; and “(ii) an owner of a structure that exists as of the date the contract is entered into; and
“(B) provides that rental assistance payments shall be made to the owner and that the units in the structure shall be occupied by eligible persons for not less than the term of the contract [HEARTH ACT, PAGE 41].

RAPID RE-HOUSING Individuals and families who are literally homeless, meaning those who qualify under 401(1) McKinney-Vento Act of the definition of homeless.

Short and medium-term rental assistance and housing relocation and stabilization services are eligible activities. Staff salaries related to carrying out homelessness prevention activities are also eligible.

RECIPIENT means any state, territory, metropolitan city, or urban county, or in the case of reallocation, any unit of general purpose local government, approved by HUD to assume financial responsibility and which enters into a grant agreement with HUD to administer ESG.

REHABILITATION/RENOVATION/CONVERSION means eligible costs include labor, materials, tools, and other costs for renovation (including major rehabilitation of an emergency shelter or conversion of a building into an emergency shelter). The emergency shelter must be owned by a government entity or private nonprofit organization.

RENOVATION means rehabilitation that involves costs of 75 percent or less of the value of the building before Rehabilitation.

FACILITY refers to the physical location where Project activities are to be provided.

SITE CONTROL means the legal right to occupy and use the Site, as evidenced by such things as:

- A. A deed demonstrating ownership in fee title;
- B. A lease demonstrating a leasehold interest in the Site and its improvements for at least the term of the ESG Grant or forgivable deferred interest loan,
- C. A purchase/lease agreement, or
- D. Where ESG funds will be used for Capital Development activities, an enforceable option contract to purchase or lease which shall extend at least through the anticipated closing date of the ESG Capital Development loan.
- E. For rotating shelter programs, site control may include other evidence provided by the Applicant granting permission to use the site (s). Such evidence must be submitted by the Applicant and approved by the Department prior to the deadline for submission of the State ESG Application stated in the applicable NOFA.

STANDARD AGREEMENT means:

- A. Following a grant award, the Department shall enter into a written contract directly with the State Recipient. The contract shall be known as the Standard Agreement and shall include the items specified in this section.
 - 1. A clear and accurate identification of the State Recipient and the Department;
 - 2. The timeframe for the performance of the approved project activities;

3. The amount of the grant, clearly expressed as the maximum amount; the basis upon which payment is to be made; and the process by which the State Recipient must request payment;
4. A clear and complete statement of the activities and services the State Recipient will perform and provide under the grant.

STREET OUTREACH Unsheltered individuals and families, meaning those who qualify under 24 CFR § 91.5 paragraph (1)(i) of the definition of “homelessness”. Essential Services to eligible participants provided on the street or in parks, abandoned buildings, bus stations, campgrounds, and in other such settings where unsheltered persons are staying. Staff salaries related to carrying out street outreach activities are eligible.

SUBRECIPIENT means the recipient of an ESG Grant that enters into a Standard Agreement with HCD to provide specified eligible activities.

TENANT-BASED means, with respect to rental assistance, assistance that—

“(A) allows an eligible person to select a housing unit in which such person will live using rental assistance provided under subtitle C, except that if necessary to assure that the provision of supportive services to a person participating in a program is feasible, a Subrecipient or project sponsor may require that the person live—

“(i) in a particular structure or unit for not more than the first year of the participation;

“(ii) within a particular geographic area for the full period of the participation, or the period remaining after the period referred to in subparagraph (A); and

“(B) provides that a person may receive such assistance and move to another structure, unit, or geographic area if the person has complied with all other obligations of the program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit [HEARTH ACT, PAGE 43].

TRANSITIONAL HOUSING means temporary housing with supportive services that is limited to occupancy of up to 24 months that is exclusively designated and targeted for recently homeless persons. Transitional housing includes self-sufficiency development services, with the ultimate goal of moving Program Participants into permanent housing as quickly as possible. For the purposes of administering the ESG program, transitional housing will be considered as an Emergency Shelter in the Standard Agreement.

UNIT OF GENERAL PURPOSE LOCAL GOVERNMENT means a city, town, township, county, parish, village, or other general purpose political subdivision of a State.

VICTIM SERVICE PROVIDER means a private nonprofit organization whose primary mission is to provide services to victims of domestic violence, dating

violence, sexual assault, or stalking. This term includes rape crisis centers, battered women's shelters, domestic violence transitional housing programs, and other programs.

YOUTH is defined as less than 25 years of age (Final Rule, 24 CFR Parts 91, 582, and 583).

ATTACHMENT A - PART 1

2011 STATE ESG PROGRAM ELIGIBLE COUNTIES

Facility/program eligibility is based on the physical location of the facility or operational base of the program. It is not based on the clients served, or the location of the grantee's office.

All counties listed on this page are eligible to apply for state ESG funds, including the cities and nonprofit shelters within these counties, except where noted.

NORTHERN CALIFORNIA ALLOCATION REGION

(519) Butte County
(507) Marin County
(520) Merced County
(506) Monterey County (All cities eligible to apply except Salinas)
(515) Placer County
(500) Santa Clara County (All cities eligible to apply except San Jose)
(508) Santa Cruz County
(518) Solano County
(513) Tulare County

SOUTHERN CALIFORNIA ALLOCATION REGION

None identified for 2011

RURAL ALLOCATION REGION

(615) Alpine County	(513) Kings County	(506) San Benito County
(526) Amador County	(523) Lake County	(516) Shasta County
(526) Calaveras County	(523) Lassen County	(523) Sierra County
(523) Colusa County	(514) Madera County	() Siskiyou County
(528) Del Norte County	() Mariposa County	(524) Sutter County
(525) El Dorado County	(509) Mendocino County	(523) Tehama County
(523) Glenn County	() Modoc County	(523) Trinity County
(522) Humboldt County	(615) Mono County	(526) Tuolumne County
(613) Imperial County	517) Napa County	(521) Yolo County
(615) Inyo County	(515) Nevada County	(524) Yuba County
	(523) Plumas County	

ATTACHMENT A - PART 2

2011 ELIGIBLE CITIES IN INELIGIBLE COUNTIES

Facilities/programs located in ineligible counties are eligible ONLY if they are physically located in the city limits of one of the following incorporated cities. Facilities/programs located in other cities in these counties are not eligible. Facilities/programs located in the unincorporated areas of these counties are not eligible.

SOUTHERN CALIFORNIA ALLOCATION REGION		
<u>(604) KERN</u> Delano Maricopa Taft Wasco <u>(600) LOS ANGELES</u> Alhambra Artesia Baldwin Park Bellflower Burbank Carson Downey Gardena Glendora Hawthorne Hidden Hills Huntington Park Industry La Canada Flintridge Lakewood Lancaster Lynwood Montebello Monterey Park Norwalk Palmdale Palos Verdes Estates Paramount City Pico Rivera Redondo Beach Rosemead Santa Clarita Santa Monica Torrance Vernon West Covina Whittier	<u>(602) ORANGE</u> Buena Park Costa Mesa Fountain Valley Fullerton Huntington Beach Irvine La Habra Laguna Niguel Lake Forest Mission Viejo Newport Beach Orange (City) Rancho Santa Margarita San Clemente San Juan Capistrano Tustin Westminster <u>(608) RIVERSIDE</u> Calimesa Coachella Corona Hemet Indian Wells Indio Manifee Moreno Valley Palm Desert Palm Springs Perris Rancho Mirage	<u>(609) SAN BERNARDINO</u> Apple Valley Chino Chino Hills Hesperia Rancho Cucamonga Redlands Rialto Upland Victorville <u>(601) SAN DIEGO</u> Carlsbad El Cajon Encinitas Escondido La Mesa National City Oceanside San Marcos Santee Vista <u>(614) SAN LUIS OBISPO</u> Morro Bay Pismo Beach <u>(603) SANTA BARBARA</u> Goleta Guadalupe Santa Barbara (City) Santa Maria <u>(605) VENTURA</u> Camarillo San Buenaventura Simi Valley Thousand Oaks

ATTACHMENT A – PART 2
2011 ELIGIBLE CITIES IN INELIGIBLE COUNTIES

Facilities/programs located in ineligible counties are eligible ONLY if they are physically located in the city limits of one of the following incorporated cities. Facilities/programs located in other cities in these counties are not eligible. Facilities/programs located in the unincorporated areas of these counties are not eligible.

NORTHERN CALIFORNIA ALLOCATION REGION		
<u>(502) ALAMEDA</u> Alameda (City) Fremont Hayward Livermore Pleasanton San Leandro Union City <u>(505) CONTRA COSTA</u> Antioch Concord Pittsburgh Richmond Walnut Creek	<u>(514) FRESNO</u> Clovis Firebaugh Huron Orange Cove Parlier San Joaquin <u>(503) SACRAMENTO</u> Citrus Heights Elk Grove Rancho Cordova <u>(511) SAN JOAQUIN</u> Lodi	<u>(512) SAN MATEO</u> Daly City Redwood City San Mateo (City) So. San Francisco <u>(504) SONOMA</u> Petaluma Santa Rosa <u>(510) STANISLAUS</u> Riverbank Turlock

ATTACHMENT B

GUIDELINE FOR ASSIGNING STAFF DUTIES TO BUDGET CATEGORY

Activity	Street Outreach	Emergency Shelter	Homelessness Prevention	Rapid Re-Housing Assistance	HMIS	Administrative Activities
Counseling, case management	X	X	X	X		
Staff salaries, wages, and related costs of staff engaged in eligible program administration activities						X
Patrol inside/outside of shelter		X				
Cleaning, repairs, building maintenance		X				
Gathering information from clients	X	X	X	X		
Credit Repair – services necessary to assist Program Participants with critical skills related to household budgeting, managing money, accessing a free personal credit report, and resolving personal credit problems* * Assistance cannot include the payment or mediation of a debt.			X	X		
Paying costs of staff to travel to and attend HUD-sponsored and HUD-approved training on HMIS and programs authorized by Title IV of the McKinney-Vento Homeless Assistance Act					X	
Preparing reports to the State; Asking questions of the State; Assisting State monitoring staff; Accounting for expenditure of ESG funds; and/or Preparing ESG audits						X
HMIS Administration					X	
Provide services specific to Homelessness Prevention (e.g., provide legal representation and rent mediation)			X			
HMIS Hardware and Software Purchase					X	
HMIS Data Collection					X	

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF FINANCIAL ASSISTANCE**

1800 Third Street, Suite 390
P. O. Box 952054
Sacramento, CA 94252-2054
(916) 322-1560
FAX (916) 327-6660

**ATTACHMENT C SERVING SELECTED POPULATIONS WITH ESG FUNDING**

The following is a simplified layman's guide for shelter providers seeking to serve selected populations using ESG Program funds administered by HCD.

Legal Requirements:

Generally, service to selected populations must comply with a variety of legal requirements, including the 14th Amendment to the U. S. Constitution, the U. S. Fair Housing Act (and amendments of 1968 and 1988), the California Fair Employment and Housing Act and the California Unruh Civil Rights Act. Depending on the circumstances, other statutes may apply, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990. Additionally, there are specific applicable provisions of the Federal ESG Regulations (24 CFR Section 57.6101). Given the potential overlap of legal requirements, facilities and programs interested in applying for State ESG funds should consult an attorney to identify the specific applicable requirements for serving any selected population of clients.

State Requirements Applicable to ESG Funds:

Pursuant to eligibility requirements for the State ESG Program and case law for the Unruh Civil Rights Act which prohibits all arbitrary discrimination, facilities and programs receiving State ESG cannot choose their clients in a manner that denies the benefits of the facility or program on an arbitrary basis or illegally discriminates.

Under Unruh, discrimination is considered non-arbitrary if the nature of the physical facilities or the nature of the services provided reasonably necessitates a particular restriction. Because whether a facility or program is in compliance with Unruh is a fact driven question, applicants and contractors are encouraged to consult their own legal counsel regarding this issue.

Alternatively, if a State or Federal law or regulation requires an ESG facility or program to exclusively serve a select homeless subpopulation; such a restriction would not be considered arbitrary.

Selecting Clients on the Basis of Age:

Service to homeless youth that meets the requirements of Government Code Section 11139.3 would not be considered arbitrary discrimination under the State ESG Program.

Government Code Section 11139.3 authorizes the provision of housing for homeless youth, and does not consider such service unlawful age discrimination. This Section shall not be construed to permit discrimination against families with children.

Homeless Youth is defined under Government Code Section 11139.3 as either of the following:

Persons under 25 years of age who (i) have run away from home or who (ii) are no longer eligible for foster care on the basis of age or who (iii) are homeless, or at risk of becoming homeless. At risk of becoming homeless means facing eviction or termination of one's current housing situation;

or

Persons less than 18 years of age who are emancipated pursuant to Part 6 (commencing with Section 7000) of Division 1 of the Family Code, and who are homeless or at risk of becoming homeless as defined above.

Under Government Code Section 11139.3, housing for homeless youth includes emergency, and transitional housing tied to supportive services that assist homeless youth in stabilizing their lives and developing the skills and resources they need to make a successful transition to independent, self-sufficient adulthood.

Hence emergency and transitional housing facilities receiving State ESG funds, may serve homeless youth if such service meets the requirements of Government Code Section 11139.3.

If there are any questions regarding these issues, please contact the HCD Homeless Programs at (916) 445-0845.

ATTACHMENT D

ESG PROGRAM CONTACT LIST

DAN APODACA Homeless Operations Program Manager (916) 327-3633	E-mail: dapodaca@hcd.ca.gov Fax: (916) 323-6016
HELENE HIROMOTO HCD Representative (916) 323-2176	E-mail: hhiromoto@hcd.ca.gov Fax: (916) 323-6016
CONNIE MALLAVIA HCD Representative (916) 327-8115	E-mail: cmallavia@hcd.ca.gov Fax: (916) 323-6016
CATHERINE KUNGU HCD Representative (916) 323-0091	E-MAIL: ckungu@hcd.ca.gov Fax: (916) 323-6016
AMANDA LOCKWOOD HCD Representative (916) 322-2045	E-mail: alockwood@hcd.ca.gov Fax: (916) 323-6016

ATTACHMENT E

ESG APPLICATION WORKSHOPS

If you plan on attending one of these workshops, RSVP to Alisha Senter at asenter@hcd.ca.gov or (916) 324-3757.

May 15, 2012

Victims Compensation and Government
Claims Board
400 R Street; 1st Floor Auditorium
Sacramento, CA 95811

OR

May 17, 2012

The Arbor at Woodbury
300 Regal Avenue
Irvine, CA 92620

Sign-In: 9:30 a.m.
Workshop Hours: 10:00 a.m.—3:30 p.m.
Break 11:15 a.m.
Lunch: 12:30 p.m. – 1:45 p.m.

***Note: Be sure to bring your copy of the ESG NOFA and ESG Application, to the workshop, as only a limited number of copies will be available.**

ATTACHMENT F
CALIFORNIA CONTINUUM OF CARE CONTACT LIST

Name of Continuum of Care	Lead Contact	Phone #	CoC #	Email Distribution List
San Jose/Santa Clara City & County CoC 650 S. Bascom Avenue Suite A San Jose, CA 95128	Robert Dolci, Homeless Concerns Coordinator	408-793-6451 408-910-0759 Fax: 408-275-6716	500	robert.dolci@hhs.sccgov.org Points of contact for homeless persons
Oakland/Alameda County CoC 224 W. Winton Hayward, CA 94544	Riley Wilkerson	510-670-9797	502	Riley.Wilkerson@acgov.org Points of contact for homeless persons
Sacramento City & County CoC 1331 Garden Highway Suite 100 Sacramento, CA 95833	Benjamin Burton	916-557-9770	503	bburton@sacstepsforward.org
Santa Rosa/Petaluma/Sonoma County CoC 1440 Guerneville Road Santa Rosa, CA 95401	Mark Krug, Community Development Manager	707-565-7509 707-484-0389 Fax: 707-565-7583	504	mkrug@sonoma-county.org
Richmond/Contra Costa County CoC	Lavonna Martin, Acting Director of Homeless Programs	925-313-6140	505	Lavonna.Martin@hds.cccounty.us
Salinas/Monterey, San Benito Counties CoC 220 12 th Street Marina, CA 93933	Glorietta Rowland, Executive Officer	831-883-3080 Fax: 831-883-3085	506	chspmontry@aol.com
Marin County CoC 20 North San Pedro Suite 2028 San Rafael, CA 94903	Lisa Sepahi, Policy Analyst	415-473-3501 415-720-9071	507	LSepahi@co.marin.ca.us
Watsonville/Santa Cruz City & County CoC 701 Ocean Street 4 th Floor Santa Cruz, CA 95060	Kathleen Molloy Previsich	831-454-2580	508	Kathy.previsich@co.santa-cruz.ca.us

Name of Continuum of Care	Lead Contact	Phone #	CoC #	Email Distribution List
Mendocino County CoC 747 South State Street Ukiah, CA 95482	Kathleen Stone	707-463-7968 Fax: 707-463-7979	509	stonek@co.mendocino.ca.us
Turlock/Modesto/ Stanislaus County CoC 1701 Robertson Road Modesto, CA 95351	Michele Gonzales	209-557-2025 209-557-2000 Fax: 209-557-2035	510	Michele@stancoha.org
Stockton/San Joaquin County CoC 1810 E. Hazelton Ave. Stockton, CA 95205	Sunny Acevedo	209-468-3177 Fax: 209-468-9575	511	slacevedo@sjgov.org
Daly/San Mateo County CoC 260 Harbor Blvd. Building A Belmont, CA 94002	Rex Andrea, Management Analyst	650-802-6590 Fax: 650-596-3478	512	randrea@co.sanmateo.ca.us
Visalia, Kings, Tulare Counties CoC	Elizabeth McGovern	563-505-5558	513	bmcgovern@ci.tulare.ca.us
Fresno/Madera County CoC 1331 Fulton Mall Fresno, CA 93721	Rebecca Craigo	559-443-8426 Fax: 559-445-8922	514	rcraigo@hafresno.org
Roseville/Rocklin/ Placer, Nevada Counties CoC P.O. Box 1061 Roseville, CA 95678	Janice Critchlow	916-924-0534	515	jcritchlow@sbcglobal.net
Redding/Shasta County CoC 1450 Court Street Suite 108 Redding, CA 96001	Jessica Delaney	530-245-6118 Fax: 530-225-5178	516	Jdelaney.coc@gmail.com
Napa City & County CoC 2261 Elm Street Napa, CA 94559	Mitch Wipper	707-259-8653	517	mwipper@co.napa.ca.us
Vallejo/Solano County CoC 1545 North Texas Rd Suite 301 Fairfield, CA 94533	PJ Davis	707-422-8810	518	pjdavis@onramp113.org
Chico/Paradise/Butte County CoC	Meagan Meloy		519	meaganm@butte-housing.com

Name of Continuum of Care	Lead Contact	Phone #	CoC #	Email Distribution List
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Humboldt County CoC 507 F Street Eureka, CA 95501	Sally Hewitt	707-441-5527	522	shewitt@co.humboldt.ca.us
Dos Rios CoC Colusa, Glenn, Lake, Tehama, Trinity, Lassen, Plumas, and Sierra Counties 420 E. Laurel Street Willows, CA 95988	Lucy Hernandez	530-934-1452 530-520-6122 Fax: 530-865-1290	523	lhernandez@hra.co.glenn.ca.us
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San Luis Obispo County CoC 976 Osos Street Room 300 San Luis Obispo, CA 93408	Morgan Torell	805-781-5113 Fax: 805-781-5624	614	mtorell@so.slo.ca.us
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